

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



CITY OF PORTLAND BUILDING PERMIT

This is to certify that SUSAN BERRY

Located At 160 UPPER A ST, PEAKS ISLAND

Job ID: 2011-08-2038-SF

CBL: 088 - - K - 016 - 001 - - - -

has permission to Rebuild single family in existing footprint with additional deck provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statues of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of the buildings and structures, and of the application on file in the department.

Notification of inspection and written permission procured before this building or part thereof is lathed or otherwise closed-in. 48 HOUR NOTICE IS REQUIRED.

A final inspection must be completed by owner before this building or part thereof is occupied. If a certificate of occupancy is required, it must be

Fire Prevention Officer

[Signature] 9/1/11

Code Enforcement Officer / Plan Reviewer

THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY
PENALTY FOR REMOVING THIS CARD

SCANNED

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, FAX: (207) 8716

Job No: 2011-08-2038-SF	Date Applied: 8/19/2011	CBL: 088 - - K - 016 - 001 - - - -	
Location of Construction: 160 UPPER "A" STREET, PEAKS ISLAND	Owner Name: Susan Berry	Owner Address: 3222 DeSoto ST NEW ORLEANS, LA - LOUISIANA 70119	Phone: 506-952-0963
Business Name:	Contractor Name: Stuart Jackson,	Contractor Address: 64 ELIZABETH ST PEAKS ISLAND MAINE 04108	Phone: (207) 712-8449
Lessee/Buyer's Name:	Phone:	Permit Type: rebuild after fire	Zone: IR-1
Past Use: Single family(fire damaged on 11/28/2010)	Proposed Use: To rebuild the single family dwelling in the same footprint with lot line adjustments	Cost of Work: \$250,000.00	CEO District:
		Fire Dept: <input checked="" type="checkbox"/> Approved w/ conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A	Inspection: Use Group: R-3 Type: SB IRL-2009
		Signature: <i>[Signature]</i> (SB)	Signature: <i>[Signature]</i>
Proposed Project Description: Rebuild House after Fire		Pedestrian Activities District (P.A.D.) 9/1/11	
Permit Taken By: Lannie		Zoning Approval	

<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building Permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False informatin may invalidate a building permit and stop all work.</p>	<p>Special Zone or Reviews</p> <p><input type="checkbox"/> Shoreland N/A</p> <p><input type="checkbox"/> Wetlands</p> <p><input type="checkbox"/> Flood Zone PANEL 15 Zone C</p> <p><input type="checkbox"/> Subdivision</p> <p><input type="checkbox"/> Site Plan N/A per Barbara B. memo 8/5/11</p> <p><input type="checkbox"/> Maj <input type="checkbox"/> Min <input type="checkbox"/> MM</p> <p>Date: OK with conditions S 9/29/11</p>	<p>Zoning Appeal</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input type="checkbox"/> Conditional Use</p> <p><input type="checkbox"/> Interpretation</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p>Date:</p>	<p>Historic Preservation</p> <p><input checked="" type="checkbox"/> Not in Dist or Landmark</p> <p><input type="checkbox"/> Does not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied</p> <p>Date:</p>
	CERTIFICATION		

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHON

11/2/11 - Keith Summaro (contractor) came in - only solid ledge at right front corner - Requested to move building 12" to rear to make 43'± setback - OK w/ Marge & Jeanie JMB

11-4-11 Dwn Keith Footings OK

11-10-11 Dwn Backfill OK

2-9-12 Dwn Keith Close-in Fall Provide Shear walls per plan, Revised floor framing plan, fire blockings. (Reviewed with the Director who said no need for shear walls)

4/19/12 Keith S. submitted Floor framing revisions due to Amendment for full foundation. JMB



General Building Permit Application

IR-7

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

in Q

Location/Address of Construction: <u>160 Upper A Street, Peaks Is, Maine</u>		
Total Square Footage of Proposed Structure/Area	Square Footage of Lot <u>33,671.8 ft</u>	Number of Stories <u>2 floors</u>
Tax Assessor's Chart, Block & Lot Chart# <u>88</u> Block# <u>K</u> Lot# <u>16-17</u> <u>part of 18</u>	Applicant *must be owner, Lessee or Buyer* Name <u>Susan Berry + Richard Overholman</u> Address <u>3222 DeSoto St</u> City, State & Zip <u>New Orleans LA 70119</u>	Telephone: <u>504-482-0971 (H)</u> <u>504-952-0963 (cell)</u>
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name Address City, State & Zip	Cost Of Work: \$ <u>250,000</u> C of O Fee: \$ 500 Total Fee: \$ <u>2520</u>
Current legal use (i.e. single family) <u>Single family</u> Number of Residential Units <u>1</u> If vacant, what was the previous use? _____ Proposed Specific use: <u>vacation / retirement home</u> Is property part of a subdivision? _____ If yes, please name _____ Project description: <u>Rebuild burned house</u>		
Contractor's name: <u>Stuart Jackson (Scotdale Construction)</u> <u>MA 7067</u> Address: <u>64 Elizabeth St, Peaks Island</u> <u>SAJ Construction LLC</u> City, State & Zip: <u>Portland, Me 04108</u> Telephone: <u>207 712 8449</u> Who should we contact when the permit is ready: <u>Susan Berry</u> Telephone: <u>504-952-0963</u> Mailing address: <u>3222 DeSoto St, New Orleans LA 70119</u>		

11-28-8

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature: Susan Berry Date: 8/14/11

This is not a permit; you may not commence ANY work until the permit is issued.

RECEIVED
AUG 19 2011

Dep. of Building Inspections
City of Portland Maine



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Director of Planning and Urban Development
Penny St. Louis

Job ID: 2011-08-2038-SF

Located At: 160 UPPER A

CBL: 088 - - K - 016 - 001 - - - -

Conditions of Approval:

Zoning

1. This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
2. This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
3. Separate permits shall be required for future decks, sheds, pools, and/or garages.
4. The second structure on this same site is considered to be an accessory structure and is not able to be occupied at this time due to sustained residual fire damage. All kitchen facilities shall be removed prior to any restoration. This structure has extinguished all rights to a residential dwelling unit. When permits are applied for, the only allowable use at this time is an accessory building to the single family dwelling that is being rebuilt under this particular permit. Separate permits are required for any work on this accessory structure.
5. This property was damaged by a fire on 11/28/2010. Because of the legal nonconforming lot size, the owner(s) have one year from that date to rebuild this structure and maintain the legal nonconforming status.

Fire

1. All construction shall comply with City Code Chapter 10.
2. A sprinkler system shall be installed.
3. A separate Suppression System Permit is required.
4. All smoke detectors and smoke alarms shall be photoelectric.
5. Hardwired Carbon Monoxide alarms with battery back up are required on each floor.

Building

1. Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.
2. Those building a new single family dwelling shall install a CO detector in each area within or giving access to bedrooms. That detection must be powered by the electrical service in the building and battery.
3. Separate permits are required for any electrical, plumbing, sprinkler, fire alarm, HVAC systems, heating appliances, including pellet/wood stoves, commercial hood exhaust systems and fuel tanks. Separate plans may need to be submitted for approval as a part of this process.
4. Hardwired interconnected battery backup smoke detectors shall be installed in all bedrooms, protecting the bedrooms, and on every level.
5. Maximum allowed U-factor of the windows is 0.35.
6. This permit is approved utilizing the existing functioning septic (cesspool) disposal system. Upon ruling from the AG of the State of Maine, this system may have to be replaced per the Subsurface Wastewater Rules. A copy of that ruling shall be submitted to this office upon receipt.

ONE AND TWO FAMILY	PLAN REVIEW	CHECKLIST		
Soil type/Presumptive Load Value (Table R401.4.1)	N/A			
Component	Submitted Plan	Findings	Revisions	Date
STRUCTURAL				
Footing Dimensions/Depth (Table R403.1 & R403.1(1), (Section R403.1 & R403.1.4.1)	Existing Foundation			
Foundation Drainage, Fabric, Damp proofing (Section R405 & R406)	Existing			
Ventilation/Access (Section R408.1 & R408.3) Crawls Space ONLY	N/A			
Anchor Bolts/Straps, spacing (Section R403.1.6)	Need Anchoring detail to foundation	See Eng Plans Braced Footing		
Lally Column Type (Section R407)	3 1/2" sch 40 pipe col 4" O.D.			
Girder & Header Spans (Table R 502.5(2))				
Built-Up Wood Center Girder Dimension/Type	Eng Girders			
Sill/Band Joist Type & Dimensions				
First Floor Joist Species Dimensions and Spacing (Table R502.3.1(1) & Table R502.3.1(2))	Eng Beams/BCI's			
Second Floor Joist Species Dimensions and Spacing (Table R502.3.1(1) & Table R502.3.1(2))	Eng AJS			
Attic or additional Floor Joist Species Dimensions and Spacing (Table R802.4(1) and R802.4(2))	N/A			

Pitch, Span, Spacing & Dimension (Table R802.5.1(1) - R 802.5.1(8))	12:11, 12:4	
Roof Rafter; Framing & Connections (Section R802.3 & R802.3.1)	2x10 16" O.C. LVL Beams	
Sheathing; Floor, Wall and roof (Table R503.2.1.1(1))	3/4" FL 1/2" wall 5/8" CDX Roof	
Fastener Schedule (Table R602.3(1) & (2))	Eng Plans	
Private Garage (Section R309) Living Space ? (Above or beside)	N/A	
Fire separation (Section R309.2)		
Opening Protection (Section R309.1)		
Emergency Escape and Rescue Openings (Section R310)	See plan A4 window (A1) OK	
Roof Covering (Chapter 9)	Asphalt Architectural OR Split Roof, Federal Downer	
Safety Glazing (Section R308)	Need: A2 by Tub, by door (10), by door (3)	
Attic Access (Section R807)	N/A	
Chimney Clearances/Fire Blocking (Chap. 10)	A-6 states per code	
Header Schedule (Section 502.5(1) & (2))	3-2x8	
Energy Efficiency (N1101.2.1) R-Factors of Walls, Floors, Ceilings, Building Envelope, U-Factor Fenestration	R-21, R-30, R-49 ? u factor windows	as conditions (L)

Type of Heating System	? gas FP	
Means of Egress (Sec R311 & R312) Basement - bulkhead & interior stair Number of Stairways 5 Interior 2 Exterior 3 Treads and Risers (Section R311.5.3) Width (Section R311.5.1) Headroom (Section R311.5.2) Guardrails and Handrails (Section R312 & R311.5.6 - R311.5.6.3)	Int L 7 ³ / ₄ " Rise 10" treads 1" nosing 3' 3" 6' 8" 3' or 38" Guards on Decks 2' 10" handrails/returned	
Smoke Detectors (Section R313) Location and type/Interconnected	Not shown CO detectors also	as condition (2)
Draftstopping (Section R502.12) and Fireblocking (Section (R602.8)	A-5 Air Seal all joints	
Dwelling Unit Separation (Section R317) and IBC - 2003 (Section 1207)	N/A but 14" bct meets sprinkled section of state code state code 501.3 (1)	
Deck Construction (Section R502.2.1)	2x10 2 1/4" OC 3-2x10 Beams guards 38"	



CITY OF PORTLAND, MAINE

Department of Building Inspections

Original Receipt

8.14. 20 11

Received from Richard Oberhelman

Location of Work 160 Upper Hill St

Cost of Construction \$ _____ Building Fee: _____

Permit Fee \$ _____ Site Fee: _____

Certificate of Occupancy Fee: _____

Total: 2,520

Building (IL) Plumbing (IS) _____ Electrical (I2) _____ Site Plan (U2) _____

Other _____

CBL: 88-k-16-

Check #: 3rd Total Collected \$ 2,520

**No work is to be started until permit issued.
Please keep original receipt for your records.**

Taken by: S.P.

WHITE - Applicant's Copy
YELLOW - Office Copy
PINK - Permit Copy

for Susan Berry

Applicant: Stuart Jackson

Date: 8/24/11

Address: 160 Upper "A" Street P.I. C-B-L: 088-K-016 revised lot

CHECK-LIST AGAINST ZONING ORDINANCE

88-K-17

Date - rebuild of an existing single family destroyed by fire

Zone Location - IR - pn 11/28/2010

2011-08-2038

Interior or corner lot -

Proposed Use/Work -

single family Dwelling

Sewage Disposal -

private

Lot Street Frontage -

100' min 244.53' shown

Front Yard -

30' min req 40' shown

Rear Yard -

30' min req 44.38' at closest show

Side Yard -

20' min req 87' & 125.6'

Projections -

Width of Lot -

100' min -

Height -

35' from post grade

- scaled 28' from lowest grade to roof ridge

Lot Area -

min lot size -> 40,000 sq ft
has water in street

previous lot was 22,902 sq ft revised lot
still a legally nonconforming lot
is now 33,671.8 sq ft

Lot Coverage/ Impervious Surface -

in existing footprint - 20% max

Area per Family -

legally nonconforming

Off-street Parking -

2 parking spaces

where? - 8/29/11 - Paul Nelson
e-mail me revised - location is legally
nonconforming

Loading Bays -

N/A

Site Plan -

not required for the rebuild on existing footprint
see planning memo from B.B. 8/5/11

Shoreland Zoning/ Stream Protection -

N/A

Flood Plains -

panel 15 - Zone C

condition on the other house that was burned
accessory structure has 24.53' & 23.02' to the new sideline
(20' min)

8/24/2011 Meets most of the zoning requirements – I did leave a message with Stuart asking about the grades – Is there any change in the grades? I also asked about parking – needs to show two parking spaces – and I wanted some pictures of the existing structure that has been “decommissioned” and is no longer a single family dwelling, to show that the kitchen facilities have been removed – HOLD – MES

8/29/11 The contractor left a message on 8/25/11 that there will be no grade changes on the site. And today I received an e-mail with an attachment showing the existing 2 parking spaces which are legally nonconforming for their location. Although I have not received the pictures of the defunct kitchen in the accessory building on the same lot, I am confident I will get them. Certainly the building has sustained enough damage from the abutting fire that it is not able to be occupied at this time. I am passing the permit on for building review. - MES

Marge Schmuckal - Re: 160 Upper A St Survey, Peaks Island

From: Marge Schmuckal
To: Paul nelson
Date: 8/29/2011 9:46 AM
Subject: Re: 160 Upper A St Survey, Peaks Island

Hi Paul,
This is just what I needed for the parking question. Thank you.
Marge

>>> Paul nelson <malpo67@yahoo.com> 8/29/2011 9:42 AM >>>

Hi Marge,
Thanks for getting back to me. Yes, this is where they always parked. Does this pdf work in terms of how you need the information? Is another hard copy required?
Thanks again,
Paul

From: Marge Schmuckal <MES@portlandmaine.gov>
To: Paul nelson <malpo67@yahoo.com>
Sent: Monday, August 29, 2011 9:29 AM
Subject: Re: 160 Upper A St Survey, Peaks Island

Hi Paul,
Is this where the parking was always located? Or is this a 'new" area for parking? There is a zoning regulation that parking not be located within the required front yard setback (30' in this zone). But since this is a rebuild and a legally nonconforming lot, if this is where the parking was always located, then this would be fine.
Please let me know.
Thanks,
Marge

>>> Paul nelson <malpo67@yahoo.com> 8/29/2011 9:09 AM >>>

Hi Marge,
I understand that you are looking for information pertaining to parking on the boundary survey for Susan Berry's 160 Upper A Street Residence on Peaks Island. I have attached a pdf of the survey showing a 20' x 20' parking area that would accommodate 2 cars. Can you tell me if this fulfills your request and what the best way to provide the additional information to you is.
Thank you for your help,
Paul Nelson

**SITE PLAN OF LAND ON UPPER "A" STREET
PEAKS ISLAND, PORTLAND, MAINE**

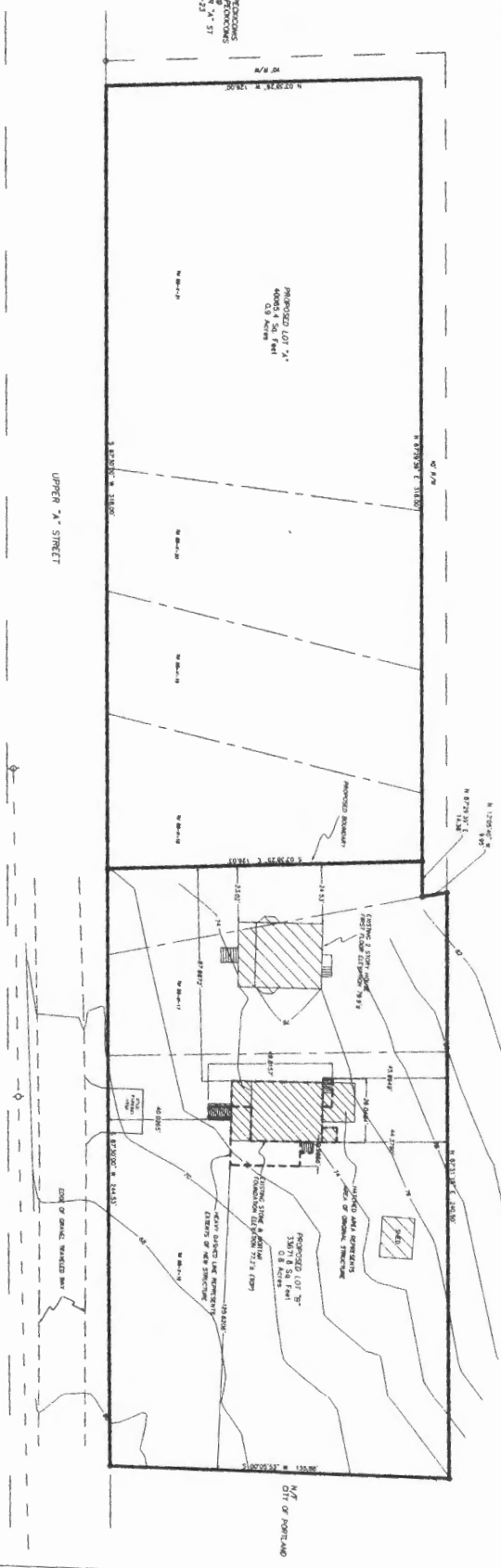
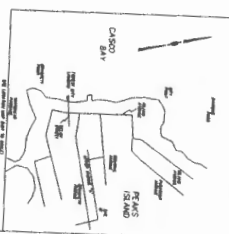
MADE FOR SUBMITTAL TO THE CITY OF PORTLAND
2022 RESIST STREET, NEWBERRY, MAINE, U.S.A. 04119-3122
MADE BY TERRACON CONSULTING AND SURVEYING
10 COLLEGE AVENUE, CORNELL, MAINE 04024
DATE 24, 2011 JOB #11-008 SHEET 1 OF 1



M/T
ALBERT FRENCHES III
275 CENTRAL AVE.
NEWBERRY, ME 04024

M/T
ALBERT FRENCHES III
275 CENTRAL AVE.
NEWBERRY, ME 04024

M/T
JOHN BOWEN JENNINGS
2973/2974 WASHINGTON AVENUE
NEWBERRY, ME 04024



- NOTES:**
- 1) OWNER OF RECORD IS GORDON BROWN, 3222 DESOTO STREET, NEW ORLEANS, LOUISIANA, 70119.
 - 2) SITE REFERENCE IS GORDON BROWN, 3222 DESOTO STREET, NEW ORLEANS, LOUISIANA, 70119.
 - 3) ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 - 4) ALL OTHER APPLICABLE REGULATIONS, ORDINANCES, STATUTES AND REQUIREMENTS MUST BE CHECKED AND COMPARED WITH THE CITY OF PORTLAND ZONING REGULATIONS, CITY OF PORTLAND, MAINE, U.S.A. 04119-3122.
 - 5) ELEVATION = 100.00 FEET.
 - 6) THE GENERAL BUILDING LOCATION AND MASSING SHOWN ARE BASED ON A RECONSTRUCTION OF EXISTING RECORDS AND STRINGS STREET ELEVATION = 100.00 FEET.
 - 7) ROAD RIGHT OF WAY WIDTH AND MASSING SHOWN ARE BASED ON THE CITY OF PORTLAND (CORNERSTONE) PLANNING DEPARTMENT RECORDS AND STRINGS STREET ELEVATION = 100.00 FEET.
 - 8) THE ROAD RIGHT OF WAY WIDTH AND MASSING SHOWN ARE BASED ON THE CITY OF PORTLAND (CORNERSTONE) PLANNING DEPARTMENT RECORDS AND STRINGS STREET ELEVATION = 100.00 FEET.
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 - 17) THE ROAD RIGHT OF WAY WIDTH AND MASSING SHOWN ARE BASED ON THE CITY OF PORTLAND (CORNERSTONE) PLANNING DEPARTMENT RECORDS AND STRINGS STREET ELEVATION = 100.00 FEET.
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 - 19) THE ROAD RIGHT OF WAY WIDTH AND MASSING SHOWN ARE BASED ON THE CITY OF PORTLAND (CORNERSTONE) PLANNING DEPARTMENT RECORDS AND STRINGS STREET ELEVATION = 100.00 FEET.
 - 20) THE ROAD RIGHT OF WAY WIDTH AND MASSING SHOWN ARE BASED ON THE CITY OF PORTLAND (CORNERSTONE) PLANNING DEPARTMENT RECORDS AND STRINGS STREET ELEVATION = 100.00 FEET.

LEGEND

○	PROPOSED LOT #1
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○	PROPOSED LOT #100

PLAN REFERENCE: "M.M. OF PROPERTY IN PEAKS ISLAND, PORTLAND, MAINE, MADE UNDER 7898 CHAULINE" M AND L AND
 (LAYOUT BY BROWN, 37 LUDLO E. JONES REC. DATED JUNE 1989, UNRECORDED)



Residential Additions/Alterations Permit Application Checklist

All of the following information is required and must be submitted. Checking off each item as you prepare your application package will ensure your package is complete and will help to expedite the permitting process.

The Maine Home Construction Contracts Act requires that any home construction or repair work for more than \$3000. in materials or labor must be based on a written contract unless the parties agree to exempt themselves. A sample contract is available on the City's website at www.portlandmaine.gov, in the Inspection Office, Room 315 of Portland City Hall or call (207)874-8703 to have one mailed to you.

One (1) complete set of construction drawings must include:

- Cross sections w/framing details
- Floor plans and elevations existing & proposed
- Detail removal of all partitions & any new structural beams
- Detail any new walls or permanent partitions
- Stair details including dimensions of: rise/run, head room, guards/handrails, baluster spacing
- Window and door schedules
- Foundation plans w/required drainage and damp proofing (if applicable)
- Detail egress requirements and fire separation/sound transmission ratings (if applicable)
- Insulation R-factors of walls, ceilings & floors & U-factors of windows per the IECC 2009
- Deck construction including: pier layout, framing, fastenings, guards, stair dimensions
- Electronic files in pdf format are also required
- Proof of ownership is required if it is inconsistent with the assessors records

Separate permits are required for internal & external plumbing, HVAC, and electrical installations.

If there are any additions to the footprint or volume of the structure, any new or rebuilt structures or, accessory detached structures a plot plan is required. A plot must include:

- The shape and dimension of the lot, footprint of the existing and proposed structure and the distance from the actual property lines. Structures include decks, porches; bow windows, cantilever sections and roof overhangs, sheds, pools, garages and any other accessory structures must be shown with dimensions if not to scale.
- Location and dimensions of parking areas and driveways
- A change of use may require a site plan exemption application to be filed.

Please submit all of the information outlined in this application checklist. If the application is incomplete, the application may be refused.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

Permit Fee: \$30.00 for the first \$1000.00 construction cost, \$10.00 per additional \$1000.00 cost

This is not a Permit; you may not commence any work until the Permit is issued.

August 19, 2011

3222 DeSoto Street
New Orleans, LA 70119

Marge Schmuckal
Zoning Administrator
389 Congress Street
Portland, Maine 04101

Dear Ms. Schmuckal,

Attached please find the permit application for rebuilding our burned house at 160 Upper A Street.

As you recall, there were previously three structures on our property, including 140, 150 and 160 Upper A Street. The property lines have now been redrawn and recorded so that the 150 Upper A Cottage is an ancillary structure to the 160 Upper A structure that is being rebuilt on lot "B". The old "kitchen" sink of the 150 cottage is non-functional, there are no plumbing connections to this structure, and the house is being secured from vagrants by Scottsdale Construction. The new survey and a copy of the new deeds are included in the permit.

We understand that a type 13D residential sprinkler system is required and this will be installed. Al Frick has addressed the septic system issues and a new septic system plan is included, should the current well-functioning cesspool need to be replaced in the future.

Thank you for your help with this.

Sincerely,

Susan Berry, MD

RECEIVED
AUG 19 2011

Dept. of Building Inspections
City of Portland Maine

QUITCLAIM DEED WITH COVENANT

KNOW ALL PERSONS BY THESE PRESENTS THAT

SUSAN BERRY, a resident of New Orleans, Louisiana with a mailing address of 3222 DeSoto Street, New Orleans, LA 70119, for consideration paid, grant to SUSAN J. BERRY and RICHARD OBERHELMAN, wife and husband, who have a mailing address of 3222 DeSoto Street, New Orleans, LA 70119 as Joint Tenants, with Quitclaim Covenant, the following-described land with any improvements thereon located on Peaks Island, in the City of Portland, County of Cumberland and State of Maine.

A certain lot or parcel of land on the northerly side of Upper A Street on Peaks Island, in the City of Portland, County of Cumberland and State of Maine more particularly bounded and described as follows:

Beginning at a point on the northerly side of Upper A Street at or near a nail in the base of a birch tree at the southwest corner of the parcel described and the southeast corner of a 10' wide right of way;

Thence from said point of beginning N 03° 38' 26" W along said right of way a distance of 126.00' to a point;

Thence turning N 87° 29' 39" E still along said right of way a distance of 318.00' to an iron rod with a cap labeled "PLS 2063" at other land now or formerly of Susan Berry;

Thence S 03° 38' 25" E along land now or formerly of Susan Berry a distance of 126.03' to an iron rod with a cap labeled "PLS 2063" at the northerly side of Upper A Street;

Thence S 87° 30' 00" W along the northerly side of Upper A Street a distance of 318.00' to the point of beginning.

Said lot contains 40,065.4 square feet and is shown as "Proposed Lot A" on a plan dated July 25, 2011 titled "Site Plan of Land On Upper 'A' Street, Peaks Island, Portland, Maine by Northeastern Land Surveying, which plan is to be recorded on substantially even date herewith.

MEANING AND INTENDING to describe a portion of Parcel 2 and all of Parcels 3 and 4 described in a deed dated December 11, 2009 from Susan J. Berry and Edmund D. Berry IV, Personal Representatives of the Estate of Edmund Berry III, to Susan Berry, which deed is recorded in the Cumberland County Registry of Deeds, Book 27547, Page 227.

Witness my hand and seal this sixteenth day of August, 2011.

Kay Leger
Witness
Kay Leger

Susan Berry
Susan Berry

STATE OF LOUISIANA
NEW ORLEANS COUNTY, ss

August 16, 2011

Then personally appeared the above named Susan Berry and acknowledged her execution of the above instrument to be her free act and deed.

Before me,

Brian J. Weimer
Notary Public

Brian J. Weimer
Printed Name
Commission Expires:

SEAL

BRIAN J. WEIMER
ATTORNEY AT LAW, NOTARY PUBLIC
State of Louisiana
My Commission is Issued For Life
BRN: 28284
Notary ID: 69357

Received
Recorded Register of Deeds
Aug 17, 2011 03:01:21P
Cumberland County
Pamela E. Lovley

RECEIVED
AUG 19 2011
Dept. of
C...

QUITCLAIM DEED WITH COVENANT

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A certain lot or parcel of land on the northerly side of Upper A Street on Peaks Island, in the City of Portland, County of Cumberland and State of Maine more particularly bounded and described as follows:

Beginning at a point on the northerly side of Upper A Street at an iron rod with a cap labeled "L.E. JONES RLS 485" at the southeast corner of the parcel described and the southwest corner of land now or formerly of the City of Portland;

Thence from said point of beginning S 87° 30' 00" W along the northerly side of Upper "A" Street a distance of 244.53' to an iron rod with a cap labeled "PLS 2063" at other land now or formerly of Susan Berry;

Thence N 03° 38' 25" W along other land now or formerly of Susan Berry a distance of 126.03' to an iron rod with a cap labeled "PLS 2063" at the southerly side of a 10' wide right of way.

Thence N 87° 29' 39" E along the southerly side of said 10' wide right of way a distance of 14.36' to an iron rod with a cap labeled "L.E. JONES RLS 485" at the terminus of the right of way;

Thence N 12° 05' 40" W along the terminus of the right of way a distance of 9.95' to an iron rod with a cap labeled "L.E. JONES RLS 485" at land now or formerly of Jenness (see Cumberland County Registry of Deeds Book 7973 Page 41);

Thence N 87° 31' 15" E along land now or formerly of Jenness a distance of 240.50' to an iron rod with a cap labeled "L.E. JONES RLS 485" at land now or formerly of the City of Portland;

Thence S 00° 05' 53" W along land now or formerly of the City of Portland a distance of 135.88' to the point of beginning.

Said lot contains 33,671.8 square feet and is shown as "Proposed Lot B" on a plan dated July 25, 2011 titled "Site Plan of Land On Upper 'A' Street, Peaks Island, Portland, Maine by Northeastern Land Surveying, which plan is to be recorded on substantially even date herewith.

MEANING AND INTENDING to describe Parcel 1 and a portion of Parcel 2 described in a deed dated December 11, 2009 from Susan J. Berry and Edmund D. Berry IV, Personal Representatives of the Estate of Edmund Berry III, to Susan Berry, which deed is recorded in the Cumberland County Registry of Deeds, Book 27547, Page 227.

Witness my hand and seal this sixteenth day of July, 2011.

Kay Leger
Witness
Kay Leger

Susan Berry
Susan Berry

STATE OF LOUISIANA
NEW ORLEANS COUNTY, ss

August 16, 2011

Then personally appeared the above named Susan Berry and acknowledged her execution of the above instrument to be her free act and deed.

Before me,

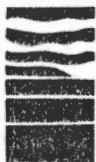
Brian J. Weimer
Notary Public

Brian J. Weimer
Printed Name
Commission Expires: Life

SEAL

BRIAN J. WEIMER
ATTORNEY AT LAW, NOTARY PUBLIC
State of Louisiana
My Commission is issued For Life
BRN: 28284
Notary ID: 69357

Received
Recorded Register of Deeds
Aug 17, 2011 03:02:12P
Cumberland County
Pamela E. Lovley



Albert Frick Associates, Inc.

Soil Scientists & Site Evaluators

95A County Road Gorham, Maine 04038
(207) 839-5563 FAX (207) 839-5564

Albert Frick, SS, SE
James Logan, SS, SE
Matthew Logan, SE
Brady Frick, SE
Bryan Jordan, SE
William O'Connor, SE

Jeannie Bourke
City of Portland
Inspections Department
389 Congress Street
Portland, Maine 04101

RE: N/F Susan Berry Property, 140 – 160 Upper A Street, Map 88, Lot 16, 17, 18 Existing Septic System

Dear Ms. Bourke:

I was requested by Susan Berry to address the status of the existing subsurface wastewater disposal system.

It is my understanding that the existing house burnt down and the applicant is pursuing building permits to reconstruct on the existing footprint with a floor plan of a house with the same number of bedrooms as the previous dwelling.

Our research into State and Local records indicates that there is no documentation on file with information on septic permits and/or design details of the existing system.

I have discussed this situation with the State DEH concerning the State of Maine Subsurface Wastewater Disposal Rules wording on this subject matter because there are apparent conflicting Rules (See attached copy of E-mail discussion.) I spoke to Dave Braley today and the AG does not to date have a formal reply.

FIELD OBSERVATIONS:

Existing System Status:

I observed a 4" diameter ductile iron sewer pipe stub on the top of the slab in the existing basement. (See Attached Photo). This pipe flows toward the road (front of the dwelling.) It appears from the lack of records, type and location of existing components and field probes that the existing disposal system pre-dates 1974 design criteria requirements, and is deep below grade.

It is my opinion that the existing system, although 'grandfathered' and antiquated, was functioning properly, as defined by the State of Maine Subsurface Wastewater Disposal Rules.

POTENTIAL FOR UPGRADE:

Although the existing system is not malfunctioning at current time, it will need to be upgraded at some point in the future either due to reaching the system's practical functional life or due to obtaining an AG decision that clarifies that the system needs to be upgraded regardless of its properly functioning status due to Rule requirement.

Please note that there is a suitable area with suitable soils as shown on attached site plan that has sufficient area to accommodate an upgraded septic system in accordance with the existing Rules for a 3 to 4+ bedroom single family dwelling if necessary in the future,

We have taken the necessary field measurements and have done the soil test to produce a Replacement System Disposal Application (HHE-200), if required in the future.

Please contact me if you have any questions or matters for additional discussion.

Respectfully;

A handwritten signature in cursive script that reads "Albert Frick".

Albert Frick

Enc. Preliminary Site Plan/Soil Test
Photographs
E-mail Memo

Albert Frick

From: Berry, Susan <SBerry@lsuhsc.edu>
Sent: Friday, August 05, 2011 1:07 PM
To: Albert Frick
Cc: Oberhelman, Richard Alfred
Subject: RE: No response to date from State AG on my question, Status of your application? 160 Upper A Street, Peaks Island Is, Maine

Al, our home address is:

Susan Berry
3222 DeSoto Street
New Orleans, LA 70119

Thank you for your help with this issue. I think a letter indicating that the current system is adequate (with your evidence as such) and the plan should a replacement system be necessary in the future may be adequate to permit us to wait until the new system is necessary and delay having this expense right now. Sue Berry

From: Albert Frick [mailto:albert@albertfrick.com]
Sent: Thu 8/4/2011 2:21 PM
To: Oberhelman, Richard Alfred; Berry, Susan
Subject: No response to date from State AG on my question, Status of your application? 160 Upper A Street, Peaks Island Is, Maine

I have not heard back from DHE on their Attorney General's input. I called today but did not get an answer and I do not believe you will be getting anything in a timely fashion from the State. Please let us know if/when you want to proceed with a septic design.

Respectfully;

Albert Frick

From: Albert Frick [mailto:albert@albertfrick.com]
Sent: Wednesday, July 27, 2011 11:25 AM
To: '
Subject: RE: septic system requirement for Upper A Street, Peaks Is, Maine

This is a very important nuance or piece of data in this discussion. Note: If it is a "cesspool" as presented to me in the background data, then the age of the system would certainly predate 1974 by the nature of the type of system. If the septic system consists of a septic tank and a leaching field than it may or may not predate 1974. The City of Portland has copies of the permitted designs and would give information as to the date of the system, which you may or may not have already checked out.

I will be on Peaks Island doing work on Friday morning and can look into this matter if you so desire? Please advise?

From: sberry@lsuhsc.edu [mailto:sberry@lsuhsc.edu]
Sent: Wednesday, July 27, 2011 9:59 AM
To: Albert Frick
Subject: Re: septic system requirement for Upper A Street, Peaks Is, Maine



10/5

Thank you Al. I have to clarify that I do not know the distinction in types of septic systems and cannot verify that it is a cesspool, but it is a system independent of the city sewer system. I'm not sure how to determine that.
Sue

Sent on the Sprint® Now Network from my BlackBerry®

From: "Albert Frick" <albert@albertfrick.com>
Date: Wed, 27 Jul 2011 09:39:00 -0400
To: 'Oberhelman, Richard A' <oberhel@tulane.edu>
Cc: <sberry@lsuhsc.edu>; <JMB@portlandmaine.gov>; John Rioux <jrioux@portlandmaine.gov>; David Braley <David.Braley@maine.gov>
Subject: RE: septic system requirement for Upper A Street, Peaks Is, Maine

Dear Richard:

You asked me to comment and address your pending issue regarding replacing the previous dwelling that is outside the shoreland zone that burnt less than 1 year ago on the same foot print with the same number of bedrooms and the ability to tie into the existing septic system. You explained that the existing system is a "cesspool".

The existing State of Maine Subsurface Wastewater Disposal Rules as it is currently being interpreted by DHE **does require you to upgrade** the septic system. The project conditions as it is presented appears **not** to meet Section 2 E. 8 c (Highlighted below) and hence DHE is suggesting that that overrides their conflicting Section of E 1 (also Highlighted below) which your project clearly satisfies which would allow you to keep and connect to the existing functioning system..

DISCUSSION:

I spoke to David Braley at the DHE who oversees the Rules today and he explained that since your dwelling burned and is being replaced that the Rules are imposing upon you the responsibility to upgrade the septic system at the same time you are re-building the structure. I asked him about the 'legality' of two components within a set of Rules that appear to be in conflict and whether the 'courts' grant the benefit of the doubt to the property owner who's rights or privileges are being restricted by gravitating to the literal reading of the less restrictive section(i.e. 'tie goes to the runner approach"); or does the more restrictive conflicting section prevail in situations such as this one. Mr. Braley is aware of the poor wording and what could be interpreted as a contradiction in the Rules and indicated that he was going to check with the AG Office on this and get back to me with more clarification and/or a 'policy statement' that would address this issue.

If your time line is tight and you want to accept the current interpretation we would be available to do a Subsurface wastewater disposal design to upgrade the current cesspool to a septic system that meet your deadlines. However, Mr. Braley said he was intending to look into this issue and get back to me soon.

E. EXISTING SYSTEMS

1. **Conditions of use: The use of any subsurface wastewater disposal system that was in existence prior to July 1, 1974, and is currently functional, is allowed, provided all of the following conditions are met:**
 - (a) **Wastewater flow: The current wastewater flow is equal to, or less than, the wastewater flow prior to July 1, 1974; and**
 - (b) **System Status: The system is not currently malfunctioning;**

3. Malfunctioning Systems: Any system currently malfunctioning must be replaced, using the criteria for a replacement system, as described in Section 8.
4. Expansion (Increase in wastewater flow) refers to the enlargement or change in use of a structure using an existing subsurface wastewater disposal system that brings the total structure into a classification that requires larger subsurface wastewater disposal system components under these Rules, or the replacement of an alternative toilet with a water closet, and/or the addition of pressurized water to a structure, as follows:
 - (a) The initial expansion of a single family home by the addition of one or more bedrooms, or the introduction of mechanically pressurized water to a structure formerly served by hand pumped or hand carried water;
 - (b) The initial expansion of a non-residential structure which results in an increase in design flow of 10 percent or more; or
 - (c) Expansions of a structure, such as a porch, living room or sun room, which do not increase the design flow, are exempt from the requirements of this Section.
5. Expansions for systems installed prior to July 1, 1974:
 - (a) Outside the shoreland area:
 - i. An addition of 1 of the following only may be expanded: 1 bedroom, maximum wastewater flow increase of 25 percent, pressurized water introduced to structure, replacement of alternative toilet with a water closet, or an upgrade of the holding tank to complete the system occurs, then the expansion must meet replacement system criteria, as described in Section 8;
 - ii. If there is an addition of more than 1 of the items listed above, or there is an increase of wastewater flow greater than 25 percent, then the expanded system must meet first-time system criteria, as described in Section 7.
 - (b) Within the shoreland area:
 - i. An addition of 1 of the following only may occur if: 1 bedroom is added, there is a replacement of an alternative toilet with a water closet, there is a 25 percent increase in wastewater flow (maximum), or an upgrading of the holding tank to complete the system occurs, then the expansion must meet Replacement System criteria to the LPI limits of approval only and minimum soil conditions not less than 10 inches below mineral surface to most limiting factor. (Less than 10 inches is not allowed);
 - ii. If the addition of more than 1 of the items listed above occurs, and/or the addition of pressurized water to the structure occurs, or an increase of wastewater flow is greater than 25 percent, then the expanded system must meet first-time system criteria as described in Section 7.
6. Relocation of non-malfunctioning system: The relocation of a non-malfunctioning system outside the Shoreland Zone with a system based on the current system components must meet replacement system criteria. The relocation of a non-malfunctioning system inside the Shoreland Zone with a system based on the current system components must meet first time system criteria.

7. Replacement structures: A structure is considered to be a replacement structure if:
- (a) It is used to replace the original structure which was destroyed by fire or natural disaster; or
 - (b) It is exchanged with another structure of the same wastewater flow.
8. A replacement structure may be served by the existing subsurface wastewater disposal system, provided:
- (a) The existing system was functioning properly when the use of the system ceased; and
 - (b) The wastewater flow of the replacement structure does not exceed the wastewater flow of the existing system, and
 - (c) **If the existing subsurface wastewater disposal system was installed prior to July 1, 1974, the existing system must be replaced, using replacement system criteria described in Section 8**
9. Structures not considered as replacement structures: Structures that do not meet the requirements of Section 2 (E)(7) must have disposal systems that meet the requirements of a first time system criteria described in Section 7.

From: Oberhelman, Richard A [mailto:oberhel@tulane.edu]
Sent: Tuesday, July 26, 2011 11:39 PM
To: Oberhelman, Richard A; albert@albertfrick.com
Cc: sberry@lsuhsc.edu
Subject: RE: septic system requirement for Upper A Street, Peaks Is, Maine

Dear Al,

Just to follow up on my earlier email, we are planning to maintain the same number of bedrooms as before (3) and the same footprint. We are hoping reduce rebuilding costs and to be able to use the existing septic system in the plan for the city. Thank you for getting back with us on this so we can move forward with our permit application.

Richard Oberhelman and Susan Berry

-----Original Message-----

From: Oberhelman, Richard A
Sent: Mon 7/25/2011 12:01 PM
To: albert@albertfrick.com
Cc: sberry@lsuhsc.edu
Subject: FW: septic system requirement for Upper A Street, Peaks Is, Maine

Al, thanks for talking with me today about the house we are rebuilding on Peaks Island. My wife's email about the same house is shown below. Since we will be submitting the permit application within the next 3 weeks, we appreciate your help clarifying if we need a new septic system for the house we are building to replace the one lost to fire. The house will be rebuilt on the same footprint, and we are still uncertain if we want to maintain the 3 bedroom design (same as the house that burned), or add a fourth bedroom. We are trying to reduce the cost of rebuilding for budget reasons, so we would prefer not to add a new septic system if it is not required. I know that adding a fourth bedroom might impact whether or not a new system is needed, and would appreciate your advice on this.

The house is located at 160 Upper A Street, Peaks Island. It was built around 1900 and the date of the fire was November 29, 2010. It is in the center of the island and not in the shoreland zone. The current system is a cesspool and it was functioning fine at the time of the fire.

Please let me know if you need any other information.

N/F Susan Berry
+/-160 Upper A Street
Portland, Peaks Island Maine



Photo 1: Existing building sewer line

N/F Susan Berry
+/-160 Upper A Street
Portland, Peaks Island Maine



Photo 2: Proposed area for potential upgraded system, should it be needed

N/F Susan Berry
+/-160 Upper A Street
Portland, Peaks Island Maine

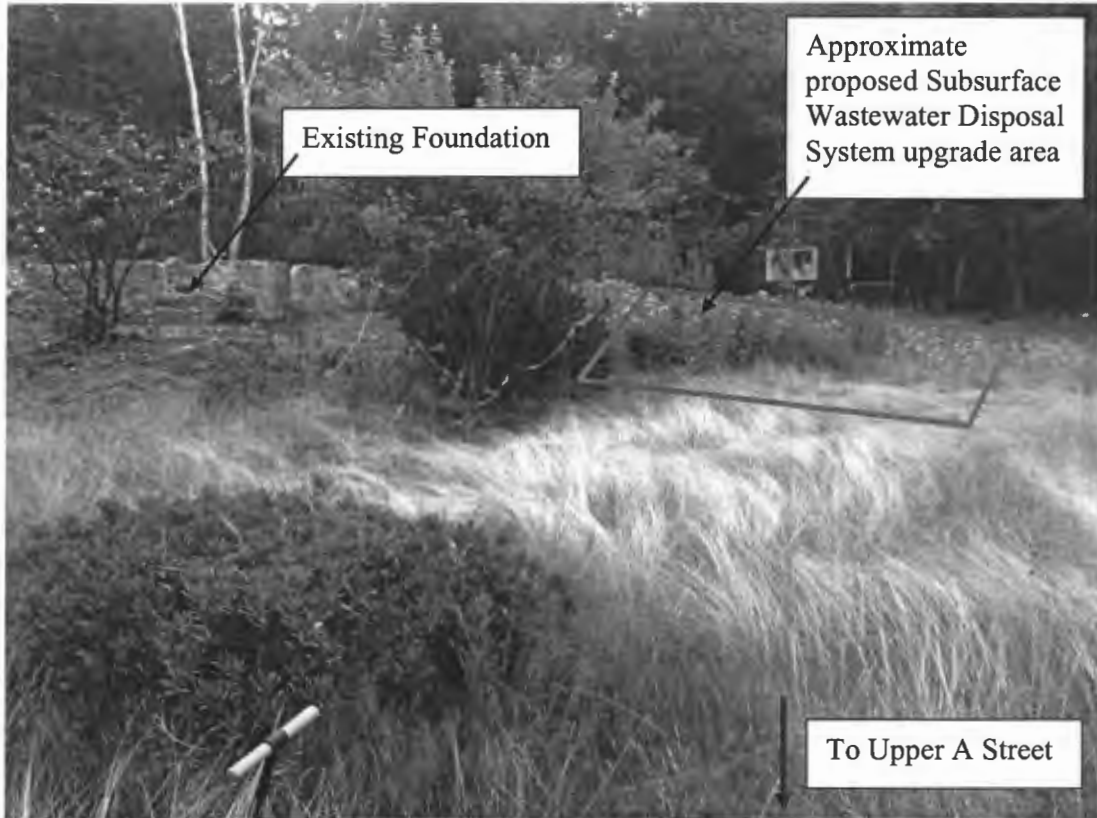


Photo 3: Proposed area for potential upgraded system, should it be needed

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
 Division of Health Engineering, Station 10 SMS
 (207) 287-5672 FAX (207) 287-4172

Town, City, Plantation
PORTLAND, PEAKS ISLAND

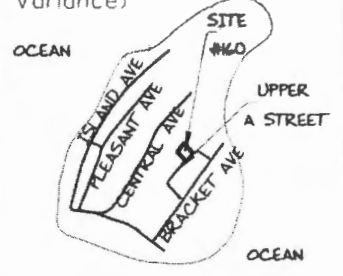
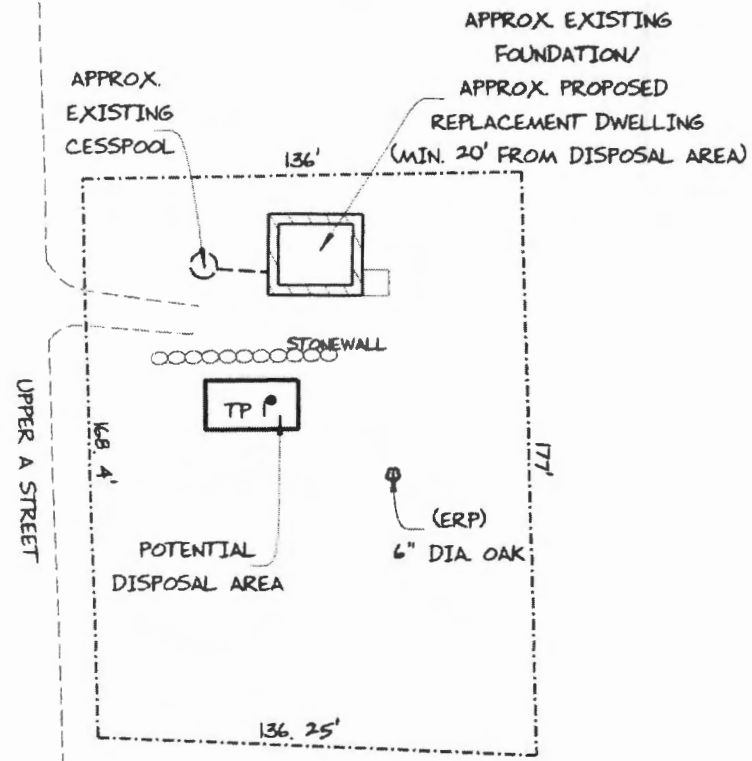
Street, Road Subdivision
160 UPPER A STREET

Owner's Name
SUSAN BERRY

SITE PLAN

Scale 1" = 60 Ft.
 or as shown

SITE LOCATION PLAN
 (Attach Map from Maine Atlas for New System Variance)



PROPERTY INFORMATION PER SURVEY PLAN
 BY LLOYD JONES, DATED JUNE 1989

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole TP 1 Test Pit Boring
 Depth of Organic Horizon Above Mineral Soil _____

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0	STONY			
0-10	SANDY	FRIABLE	BROWN	
10	LOAM			
10-20			YELLOW	
20-30			BROWN	
30-40				
40-50				
50				

Soil Classification: Profile 2 Condition A Slope 0-3% Limiting Factor 30"

Ground Water Restrictive Layer Bedrock Pit Depth

Observation Hole _____ Test Pit Boring
 Depth of Organic Horizon Above Mineral Soil _____

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0				
10				
20				
30				
40				
50				

Soil Classification: Profile _____ Condition _____ Slope _____% Limiting Factor _____

Ground Water Restrictive Layer Bedrock Pit Depth

Albert Frick
 Site Evaluator Signature

163
 SE

8/11/2011
 Date

Marge Schmuckal - Berry - permit or level 1?

From: Brenda Buchanan <Brenda@wacubu.com>
To: Marge Schmuckal <MES@portlandmaine.gov>
Date: 8/5/2011 8:11 AM
Subject: Berry - permit or level 1?
CC: "Berry, Susan" <SBerry@lsuhsc.edu>

Hello Marge,

Thanks for your call back last night to discuss the soon-to-be-filed application by Susan Berry to rebuild the house on Upper A Street that was destroyed by fire last fall. I took your advice and called Barbara Barhydt this morning and told her of the situation. It was the first she'd heard of it, so whoever told Paul Nelson the Berrys had to do a Level 1 site plan review application did not check with Barbara.

As it turns out, Barbara has a meeting scheduled today with Penny Littell and Alex Jaegerman to discuss two similar cases, and she has now added this one to the list. This means we should have an answer later today. I am emailing you because I know Paul is coming in to see you at 10 a.m. and to the extent his questions relate to what is needed to make an application complete, I wanted you to know the jury is out about whether the application will be for a building permit or level 1 site review.

Many thanks,

Brenda

Brenda M. Buchanan, Esq.
Warren, Currier & Buchanan LLC
57 Exchange Street
Portland, Maine 04101
207-772-1262
brenda@wacubu.com
www.wacubu.com

150 Upper "A" Street PE

DEPARTMENT OF CONSTRUCTION INSPECTION
PORTLAND, ME
AUG 3 0 2011
RECEIVED

DEPT. OF BUILDING INSPECTION
CITY OF PORTLAND, ME

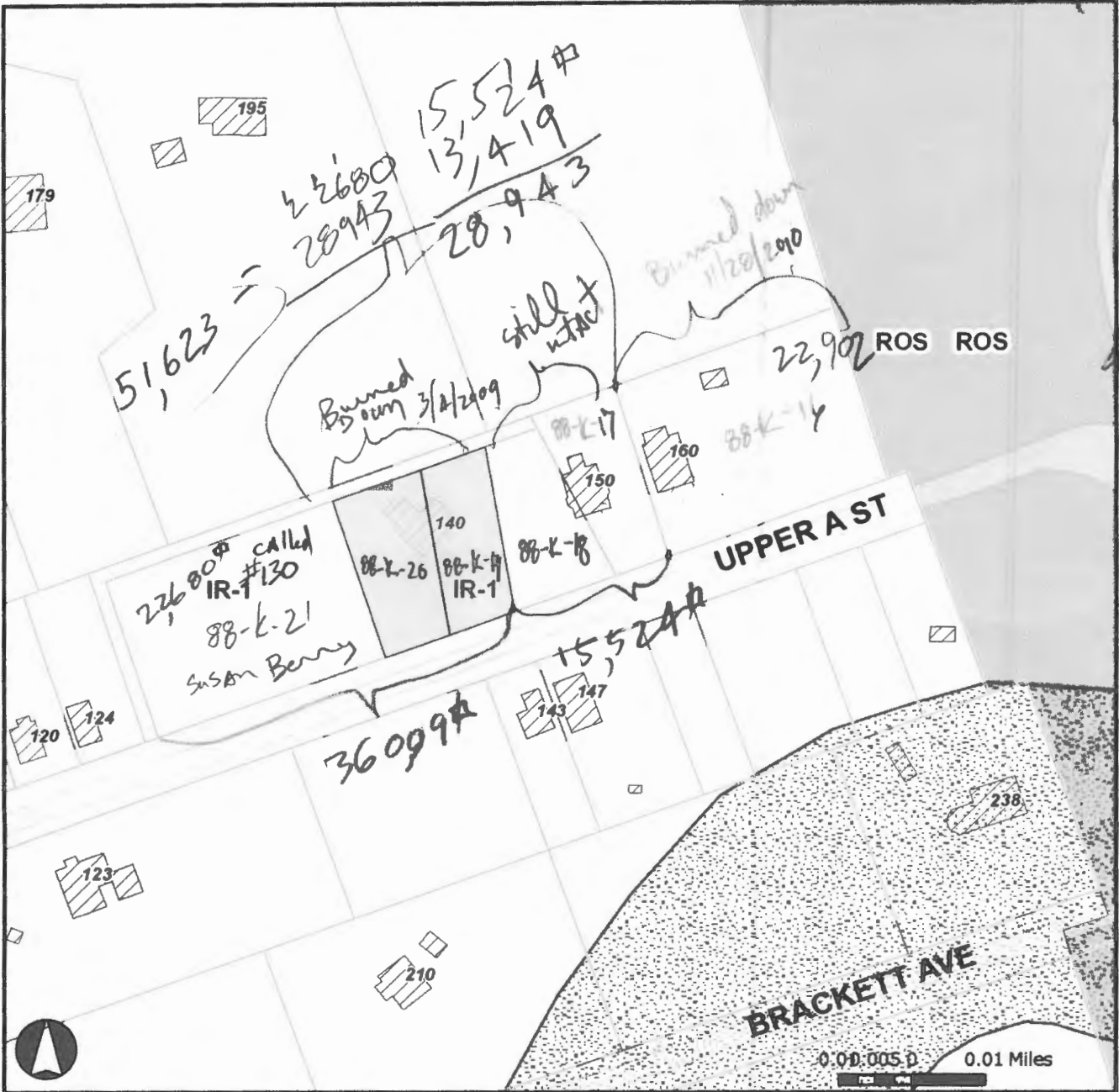
AUG 30 2011

RECEIVED

150 Upper 11th St ~ PF

Map

check with BARBARA
 met with owners Susan & Richard 6/13/11



Parcels	Stream Overlay Zone	Zoning (continued)	Zoning (continued)
<input type="checkbox"/>	<input checked="" type="checkbox"/> Stream_protection	<input type="checkbox"/> R2 Residential	<input type="checkbox"/> C25
Interstate	Island Zoning	<input type="checkbox"/> R3 Residential	<input type="checkbox"/> C26
<input type="checkbox"/>	<input type="checkbox"/> C43	<input type="checkbox"/> R4 Residential	<input type="checkbox"/> C27
Streets	<input type="checkbox"/> I-B	<input type="checkbox"/> R5 Residential	<input type="checkbox"/> C28
Buildings	<input type="checkbox"/> I-TS	<input checked="" type="checkbox"/> R6 Residential	<input type="checkbox"/> C29
<input checked="" type="checkbox"/> Building	<input type="checkbox"/> I-R1	<input type="checkbox"/> ROS Recreation Open	<input type="checkbox"/> C30
<input checked="" type="checkbox"/> Out Building	<input type="checkbox"/> I-R2	Space	<input type="checkbox"/> C31

Marge Schmuckal - Re: Upper A Street property

From: Marge Schmuckal
To: Susan Berry
Date: 6/20/2011 12:17 PM
Subject: Re: Upper A Street property
CC: brenda@wacubu.com

Susan & Richard
I disagree with your assessment.

As I originally e-mailed you on 4/26/11, "I believe that #130 (88-k-21) and #140 (#88-K-19 & 20) and #150 (88-K-17 & 18) have merged into one lot. As of this date #160 (88-K-16) still retains its legal nonconforming rights (until 11/28/2011)".

You still have two lots for two dwelling units, not three lots allowing three dwelling units. You lost your rights to rebuild #140 a year after 3/4/2009. Those original parcels were only 36,099 sq ft in size where 40,000 sq ft is the minimum required lot size in the IR-1 when on City water. Those vacant parcels merged with the parcels of #150 to create a legal size lot.

The westerly lot is not conforming on a 40,000 sq ft lot as you thought in your recent query to me.

I hope this helps you.

Marge

>>> "Berry, Susan" <SBerry@lsuhsc.edu> 6/19/2011 11:18 AM >>>

Dear Marge,

Thank you for meeting with Richard and me last week while we were in Portland.

After our meeting, we went back into the existing cottage (150 Upper A Street) and did confirm a kitchen with a sink, plumbing, and multiple electrical fixtures, all of which we had previously not realized were there, which means it does qualify as a current dwelling. We understand the need to secure the cottage against vagrants for security reasons, however we are pleased that we can retain this house as a dwelling for a future renovation and retain the grandfathered footprint on an undersized lot.

Therefore, our current understanding is that zoning will permit three dwellings on the Upper A Street property we own: (as we had before the fires): the existing cottage (center lot) and the house to be rebuilt this year (easterly lot), both of which will continue to be on grandfathered undersized lots, and a house to be built sometime in the future on a conforming 40,000 lot on the westerly side. The way we came to this conclusion is as follows:

The cottage on the center lot, which we have confirmed meets the requirements of a current dwelling as it has plumbing and electricity, will simply be renovated after moving the side property line to the west so that it meets side setback requirements. There is no deadline to do this renovation as this is not a rebuild, as it was not destroyed by fire.

Marge Schmuckal - Upper A Street property

From: "Berry, Susan" <SBerry@lsuhsc.edu>
To: <MES@Portlandmaine.gov>
Date: 6/19/2011 11:18 AM
Subject: Upper A Street property
CC: <brenda@wacubu.com>

Dear Marge,

Thank you for meeting with Richard and me last week while we were in Portland.

After our meeting, we went back into the existing cottage (150 Upper A Street) and did confirm a kitchen with a sink, plumbing, and multiple electrical fixtures, all of which we had previously not realized were there, which means it does qualify as a current dwelling. We understand the need to secure the cottage against vagrants for security reasons, however we are pleased that we can retain this house as a dwelling for a future renovation and retain the grandfathered footprint on an undersized lot.

Therefore, our current understanding is that zoning will permit three dwellings on the Upper A Street property we own: (as we had before the fires): the existing cottage (center lot) and the house to be rebuilt this year (easterly lot), both of which will continue to be on grandfathered undersized lots, and a house to be built sometime in the future on a conforming 40,000 lot on the westerly side. The way we came to this conclusion is as follows:

The cottage on the center lot, which we have confirmed meets the requirements of a current dwelling as it has plumbing and electricity, will simply be renovated after moving the side property line to the west so that it meets side setback requirements. There is no deadline to do this renovation as this is not a rebuild, as it was not destroyed by fire.

The house on the easterly lot (which burned in 2010) will be rebuilt (or substantial progress made on a rebuild) within the one year period stipulated in the ordinance.

The house on the westerly lot (the first to burn) will now be on a conforming 40,000 SF lot so there is no deadline to rebuild.

Can you confirm that our understanding is correct? Thank you for your help with this. Susan Berry and Richard Oberhelman

identifies

Map



Parcels	Overlay Zones	Zoning (continued)	Zoning (continued)
Parcel	DEOZ	IL Industrial - Low Impact	C21
Parcel	FH	ILb Industrial - Low Impact	C22
Interstate	Helistop Overlay	IM Industrial - Moderate Impact	C23
Fire Call Box	R-7	IMb Industrial - Moderate	C24
CALL BOX	USM		C25
MASTER	Shoreland Overlay Zone		C26
			C27

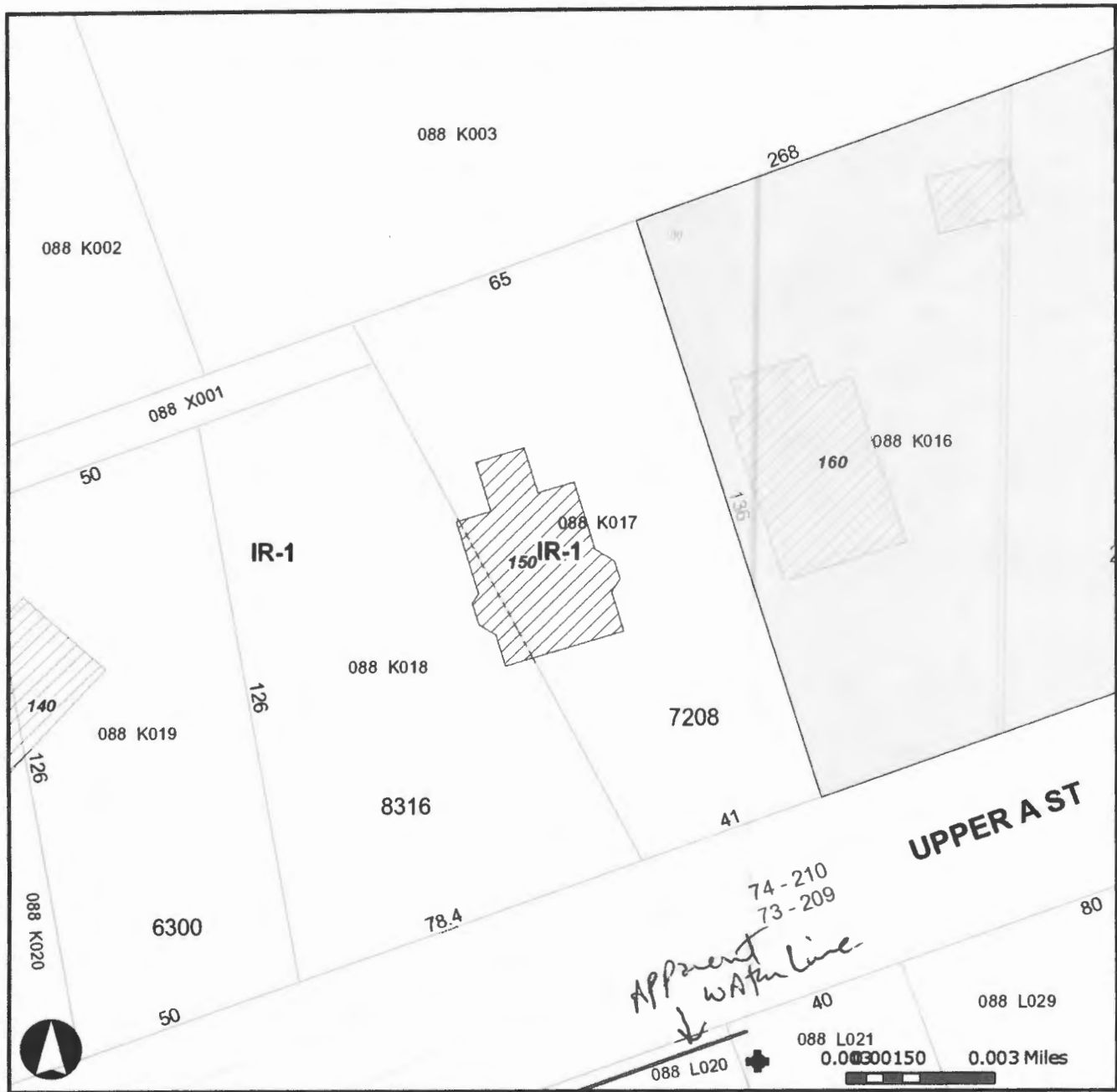


6/13/11



6/13/11

Map



Parcels

- Parcels
- Interstate
- Fire Call Box
- CALL BOX
- MASTER

Overlay Zones

- DEOZ
- FH
- Helistop Overla
- R-7
- USM
- Shoreland Overlay Zone**
-

Zoning (continued)

- IL Industrial - Low Impact
- ILb Industrial - Low Impact
- IM Industrial - Moderate Impact
- IMb Industrial - Moderate

Zoning (continued)

- C21
- C22
- C23
- C24
- C25
- C26
- C27

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[City](#) [Home](#) [Departments](#) [City Council](#) [E-Services](#) [Calendar](#) [Jobs](#)

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

[Applications](#)

[Doing Business](#)

[Maps](#)

[Tax Relief](#)

[Tax Roll](#)

[Q & A](#)

CBL 088 K019001
Land Use Type VACANT LAND
Property Location 140 UPPER A ST
Owner Information BERRY SUSAN
 3222 DESOTO ST
 NEW ORLEANS LA 70119
Book and Page 27547/227
Legal Description 88-K-19-20
 UPPER A ST 140
 PEAKS ISLAND
 13419 SF
Acres 0.308

Current Assessed Valuation:

[browse city services a-z](#)

[browse facts and links a-z](#)

TAX ACCT NO. 45908 **OWNER OF RECORD AS OF APRIL 2010**
 BERRY SUSAN
LAND VALUE \$155,400.00 3222 DESOTO ST
BUILDING VALUE \$0.00 NEW ORLEANS LA 70119
NET TAXABLE - REAL ESTATE \$155,400.00
TAX AMOUNT \$2,784.78

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).



Best viewed at 800x600, with Internet Explorer



burned down 3/4/2009

[View Map](#)

Sales Information:

Sale Date	Type	Price	Book/Page
1/22/2010	LAND	\$0.00	27547/223
1/22/2010	LAND	\$0.00	27547/227
6/1/2002	LAND + BUILDING	\$0.00	17623/290
5/19/1998	LAND + BUILDING	\$0.00	13829/31

[New Search!](#)

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This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

browse city services a-z

browse facts and links a-z

CBL 088 K017001
Land Use Type GARAGES, SHEDS, AUX, ETC.
Property Location 150 UPPER A ST
Owner Information BERRY SUSAN
 3222 DESOTO ST
 NEW ORLEANS LA 70119
Book and Page 27547/227
Legal Description 88-K-17-18
 UPPER A ST 150
 PEAKS ISLAND
 15524 SF
Acres 0.356

Current Assessed Valuation:

TAX ACCT NO.	14230	OWNER OF RECORD AS OF APRIL 2010	BERRY SUSAN
LAND VALUE	\$23,300.00	3222 DESOTO ST	
BUILDING VALUE	\$55,200.00	NEW ORLEANS LA 70119	
NET TAXABLE - REAL ESTATE	\$78,500.00		
TAX AMOUNT	\$1,406.72		

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.



Best viewed at 800x600 with Internet Explorer

Building Information:

Card 1 of 1

Year Built 1900
Style/Structure Type COTTAGE
Stories 2
Bedrooms 3
Full Baths 0
Total Rooms 6
Attic NONE
Basement CRAWL
Square Feet 1152
[View Sketch](#) [View Map](#) [View Picture](#)



Sales Information:

Sale Date	Type	Price	Book/Page
1/22/2010	LAND + BUILDING	\$0.00	27547/223
1/22/2010	LAND + BUILDING	\$0.00	27547/227
6/1/2002	LAND + BUILDING	\$0.00	17623/287
5/19/1998	LAND + BUILDING	\$0.00	13829/35

[New Search!](#)

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874 8486

[City](#) [Home](#) [Departments](#) [City Council](#) [E Services](#) [Calendar](#) [Jobs](#)

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

- [Applications](#)
- [Doing Business](#)
- [Maps](#)
- [Tax Relief](#)
- [Tax Roll](#)
- [Q & A](#)

CBL 088 K016001
Land Use Type SINGLE FAMILY
Property Location 160 UPPER A ST
Owner Information BERRY SUSAN
 3222 DESOTA ST
 NEW ORLEANS LA 70119
Book and Page 27547/227
Legal Description 88-K-16
 UPPER A ST 160
 LOT 30
 PEAKS ISLAND 22902 SF
Acres 0.526

Current Assessed Valuation:

- [browse city services a-z](#)
- [browse facts and links a-z](#)

TAX ACCT NO. 14228 **OWNER OF RECORD AS OF APRIL 2010**
 BERRY SUSAN
LAND VALUE \$163,700.00 3222 DESOTA ST
BUILDING VALUE \$90,400.00 NEW ORLEANS LA 70119
NET TAXABLE - REAL ESTATE \$254,100.00
TAX AMOUNT \$4,553.48

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

Building Information:



Best viewed at 800x600, with Internet Explorer

Card 1 of 1

Year Built 1900
Style/Structure Type OLD STYLE
Stories 1.5
Bedrooms 3
Full Baths 1
Total Rooms 7
Attic NONE
Basement FULL
Square Feet 1320

[View Sketch](#) [View Map](#) [View Picture](#)



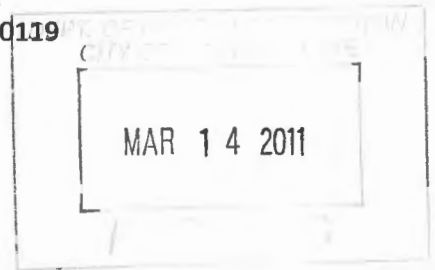
Sales Information:

Sale Date	Type	Price	Book/Page
1/22/2010	LAND + BUILDING	\$0.00	27547/223
1/22/2010	LAND + BUILDING	\$0.00	27547/227
6/1/2002	LAND + BUILDING	\$0.00	17623/284
5/19/1998	LAND + BUILDING	\$0.00	13829/33

[New Search](#)

March 12, 2011

3222 DeSoto Street
New Orleans, LA 70119



All IR-1

Marge Schmuckal
Zoning Administrator
389 Congress Street
Portland, Maine 04101

14-145,5?

Dear Ms. Schmuckal,

40,000 # w Public Water
60,000 # w/o "

I am the owner of several contiguous lots on Peaks Island, Maine. Unfortunately, both of the winter homes where I have always summered were burned to the ground. The first, at 140 Upper A, burned down on March 4, 2009. The second, at 160 Upper A, burned down November 28, 2010.

When the first burned down I understood that a new building would have to be in a different location on the property, but it appeared that there was plenty of space to rebuild and we had the second house, so I did nothing to be grandfathered into keeping the footprint of the house.

Now that the second house has burned, we need to rebuild as we have no place to stay. Enclosed is a survey of all of the properties in my name. There is a rotting cottage between the two house sites that does not have electricity, plumbing, or sewer hook up. (It was built at the turn of the century and when in use had an outhouse).

I would like to know our options for rebuilding. If the 140 lot is not buildable, I need to know this immediately as the property value will be much less and this would have both property tax and estate division implications. (My parents were the previous owners and I am still in the process of dividing their estate with my brother, although all of this property has been put in my name). I have always assumed it was buildable, and when the debris was cleared the water connection was left clearly marked for the purpose of rebuilding.

My specific questions are:

1. Can we rebuild on the 140 property since we own the contiguous lots? If the answer is no, is there a process for contesting this?
2. Can we expand the existing cottage footprint if it is cheaper to rebuild that?
3. What do I need to do to secure the footprint of the 160 Upper A house and if that is rebuilt, what are the limits for expansion?

Thank you for your help with this.

lot 30 burned down 11/28/2010
160 upper A - 88-K-16 -
2290Z #

Sincerely,

Susan Berry, MD

burned down 3/4/2009
② 130 upper A St 88-K-19-20
13,419 #

③ 150 upper A St - 88-K-17-18
Accessory Sheds?
GARAGES shows a cottage 1900
15,524 #
all under same NAME

Marge Schmuckal - RE: 140-160 Upper A Street Peaks Island

From: Marge Schmuckal
To: Susan Berry
Date: 4/26/2011 12:50 PM
Subject: RE: 140-160 Upper A Street Peaks Island

Susan,

I have reviewed what you sent me. First of all, your entire property is located within an IR-1 Zone. The IR-1 Zone requires a minimum lot area of 40,000 sq feet if you are served by public water and 60,000 sq feet for lots w/o public water. My quick check indicates that there is a water line across from most of your properties. It may not reach as far as 160 Upper A.

Therefore, the minimum lot size of 40,000 sq feet would apply to your properties, if that is accurate. I am not aware of the availability for sewer. Are you on City sewer? Or do you have private septic systems?

Because #140 Upper A Street was burned down on 3/4/2009, over a year has lapsed on its rebuilding rights. It was legally nonconforming for setbacks and lot size from what I can glean. Our Land Use Zoning Ordinance allows an owner to rebuild within the same footprint and building elevation envelope if it is done within one year. Over two years have now past. All legal nonconforming rights for that lot have been extinguished.

I believe that #130 (88-K-21) and #140 (88-K-19 & 20) and #150 (88-K-17) have merged into one lot. As of this date #160 (88-K-16) still retains its legal nonconforming rights (until 11/28/2011).

To answer your specific questions:

1. You cannot rebuild a separate dwelling unit on the #140 property. You always have the right to appeal. However, it is highly unlikely that you would prevail on appeal.
2. It appears that you have the availability to build an addition on #150 Upper A as long as you can meet all the dimensional requirements of the IR-1 Zone. It cannot be a separate dwelling unit, but an expansion of the existing single family dwelling. Of course we need permits to review the specifics of what you propose.
3. In order to "secure the footprint of the 160 Upper A house", you need to apply for a permit and show us what you intend to do. Please note that the nonconformity laws only allow you to replace the structure in the same footprint and the same building elevation envelope. You have until November 28, 2011 to substantially begin construction (ie to get through the permit review process etc and actually begin construction of the building).

I hope this answers your questions,
Marge Schmuckal
Zoning Administrator

>>> "Berry, Susan" <SBerry@lsuhsc.edu> 4/26/2011 10:02 AM >>>

Thanks, Marge. Believe me, working for the state of LA I do understand when you have little control over your time.

I do not have a voicemail at work. When my phone rolls over to as administrative assistant, they are very good at taking phone messages and emailing them to me. I always have a blackberry so I check emails constantly during the day. You can always email me to set up a phone conference. Hoping to hear soon! Sue

Susan Berry, MD, MPH
Associate Professor of Clinical Pediatrics, LSUHSC
Director, Children's Special Health Services, State of Louisiana

From: Marge Schmuckal [mailto:MES@portlandmaine.gov]
Sent: Mon 4/25/2011 4:19 PM
To: Berry, Susan
Subject: Re: 140-160 Upper A Street Peaks Island

Susan,

I apologize for the amount of time it is taking me to review what you sent me. I do have it. And I am planning to look at it. Time is not always my own here. I am trying to set aside time tomorrow to get into your issue. I did try to call your office, but someone answered your phone. When I asked to leave a voice message, they said that they just picked up the phone that had the voice mail. I should have called one of your other numbers.
Marge

>>> "Berry, Susan" <SBerry@lsuhsc.edu> 4/25/2011 2:15 PM >>>
Marge,

I sent you a survey via snail mail a couple of months ago, and have left several messages on your voicemail, but have gotten no response. I need to know what our options are for rebuilding on Peaks Island. We lost 2 houses due to fire at 140 and 160 Upper A Street, and several things are dependent on our ability to rebuild, including being able to put a value on the 140 Upper A Street property to settle our estate, telling the insurance company what our intentions are, and finally, completing the new building in the specified time frame. I hope you received the survey by mail with a list of questions regarding rebuilding. Also, if the property on 140 is too small to rebuild, since I own several contiguous lots, I am wondering if they can be combined to rebuild or if there is a process I can go through to get permission to rebuild. The lots are 88-K-16, 17, 18, 19, 20, and 21.

These things are now becoming urgent to settle. I plan to travel to Portland in June to choose a contractor and settle on a design, but I still do not know which piece of property the house will be put on.

Please confirm that you got the survey and letter. I also work for a government agency and I know how short staffed you may be, and how crazy and numerous the requests can be, but please at least acknowledge that you have received the materials and let me know how we can communicate. My work phone is 504-568-8250; my home phone is 504-482-0971 (good for evenings or for leaving a message); my cell is 504-952-0963 (only useful when I hear it or am not in a meeting). Thank you for your timely response to this letter.

Sue Berry

Marge Schmuckal - RE: 140-160 Upper A Street Peaks Island

From: Marge Schmuckal
To: Susan Berry
Date: 4/26/2011 2:41 PM
Subject: RE: 140-160 Upper A Street Peaks Island

Susan,

I am not seeing that you meet the minimum 40,000 sq ft lot size assuming there is public water. The vacant lots have merged with the remaining developed lot of #150.

Marge

>>> "Berry, Susan" <SBerry@lsuhsc.edu> 4/26/2011 1:52 PM >>>

I am wondering why when we own the adjoining woods and lot 18 we cannot rebuild on 19 and 20. Together they make the required square footage. Sue

Susan Berry, MD, MPH
 Associate Professor of Clinical Pediatrics, LSUHSC
 Director, Children's Special Health Services, State of Louisiana

From: Marge Schmuckal [mailto:MES@portlandmaine.gov]
Sent: Tue 4/26/2011 11:50 AM
To: Berry, Susan
Subject: RE: 140-160 Upper A Street Peaks Island

Susan,

I have reviewed what you sent me. First of all, your entire property is located within an IR-1 Zone. The IR-1 Zone requires a minimum lot area of 40,000 sq feet if you are served by public water and 60,000 sq feet for lots w/o public water. My quick check indicates that there is a water line across from most of your properties. It may not reach as far as 160 Upper A.

Therefore, the minimum lot size of 40,000 sq feet would apply to your properties, if that is accurate. I am not aware of the availability for sewer. Are you on City sewer? Or do you have private septic systems?

Because #140 Upper A Street was burned down on 3/4/2009, over a year has lapsed on its rebuilding rights. It was legally nonconforming for setbacks and lot size from what I can glean. Our Land Use Zoning Ordinance allows an owner to rebuild within the same footprint and building elevation envelope if it is done within one year. Over two years have now past. All legal nonconforming rights for that lot have been extinguished.

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To answer your specific questions:

1. You cannot rebuild a separate dwelling unit on the #140 property. You always have the right to appeal. However, it is highly unlikely that you would prevail on appeal.
2. It appears that you have the availability to build an addition on #150 Upper A as long as you can meet all the dimensional requirements of the IR-1 Zone. It cannot be a separate dwelling unit, but an expansion of the existing single family dwelling. Of course we need permits to review the specifics of what you propose.
3. In order to "secure the footprint of the 160 Upper A house", you need to apply for a permit and show us what you intend to do. Please note that the nonconformity laws only allow you to replace the structure in the

WARREN & CURRIER BUCHANAN

Limited Liability Company, P.A.

Carol Godfrey Warren
David E. Currier
Brenda M. Buchanan



MAY 13 2011

May 13, 2011

Marge Schmuckal
Portland Zoning Administrator
389 Congress Street
Portland, Maine 04101

RE: Berry Property, Upper A Street, Peaks Island
Map 88, Block K, Lots 16 through 21

Dear Marge:

Thank you again for taking the time yesterday to talk with me about the options available to my clients Susan Berry and Richard Oberhelman as they look toward rebuilding the two houses on Susan's Peaks Island property that have been destroyed in arson fires in the past two years. To be absolutely certain that I understand how the zoning rules will apply to them I decided to write you this letter, outlining the key points we discussed. My understanding is as follows:

1. Based on available records, including a 1989 Lloyd Jones survey, the entire parcel contains 74,525 SF. As the parcel is served by public water, the applicable minimum lot size is 40,000 SF. Although the City shows this on its tax maps as six separate lots, for zoning purposes going forward, it can be two buildable lots, as outlined below.

2. The first house that burned was located on Lots 19 and 20 shown on the tax map. Because that fire occurred more than a year ago, when my clients rebuild they will be required to meet the 40,000 SF minimum lot size requirement as well as applicable dimensional rules (setback, frontage, lot coverage). For purposes of this letter, I will call this future lot the "West Lot."

3. The second fire destroyed the house on Lot 16. This fire occurred on November 28, 2010. Pursuant to the ordinance, if my clients rebuild within one year, they will be grandfathered as to lot size, allowing them to build on less than 40,000 SF. For purposes of this letter, I will call this future lot the "East Lot."

May 13, 2011

These are very nice folks with a long family history on Peaks Island who had the devastating experience of two phone calls in the past year from the Portland PD, telling them their cottages had been set afire. Your help and advice is greatly appreciated as they figure out how to put the pieces back together.

Best regards,

A handwritten signature in black ink, appearing to read 'B. Buchanan', with a horizontal line extending to the right.

Brenda M. Buchanan

Cc: Susan Berry & Richard Oberhelman
Rachel Conly

Marge Schmuckal - Re: 160 Upper A St, Peaks Island Residence

From: Marge Schmuckal
To: Paul nelson
Date: 8/3/2011 1:01 PM
Subject: Re: 160 Upper A St, Peaks Island Residence

Hi Paul,

I got your voice message - I will see you at 10 on Friday. You may bring anyone else with you. It seems like I have spoken to quite a few folks concerning these properties.

Marge

>>> Paul nelson <malpo67@yahoo.com> 8/3/2011 12:58 PM >>>

Hi Marge,

I can make 10 AM on Friday. I tried to send this earlier but my email was down so I left you a voicemail. Also, it's been a while since I looked at IR-1 but I seem to recall seeing something in the ordinance about a limit to the size of the expansion to an existing residence of 30 or 35% of existing footprint and volume, as well as there being a one-time expansion rule. I'm not sure if this would apply to a house that burned down or not, but if this is the case could you point me to the right part of the ordinance?

Thank you for the help and I'll see you on Friday. The builder may join us as well if he can.

Paul

From: Marge Schmuckal <MES@portlandmaine.gov>
To: Paul nelson <malpo67@yahoo.com>
Sent: Wednesday, August 3, 2011 9:24 AM
Subject: Re: 160 Upper A St, Peaks Island Residence

do you have Friday morning at 10:00 free to meet?

Marge

>>> Paul nelson <malpo67@yahoo.com> 8/3/2011 9:21 AM >>>

Hi Marge,

I'm helping a client design a residence on Peaks Island, address 160 Upper A Street. I believe they may have spoken with you about the project. This is a house that burned last November and they are under pressure to have some level of construction complete by the one year anniversary of the fire. I would like to come in with my drawings to discuss some of the associated issues and am wondering if there is any time this Friday you would be available to do so.

Thank you,

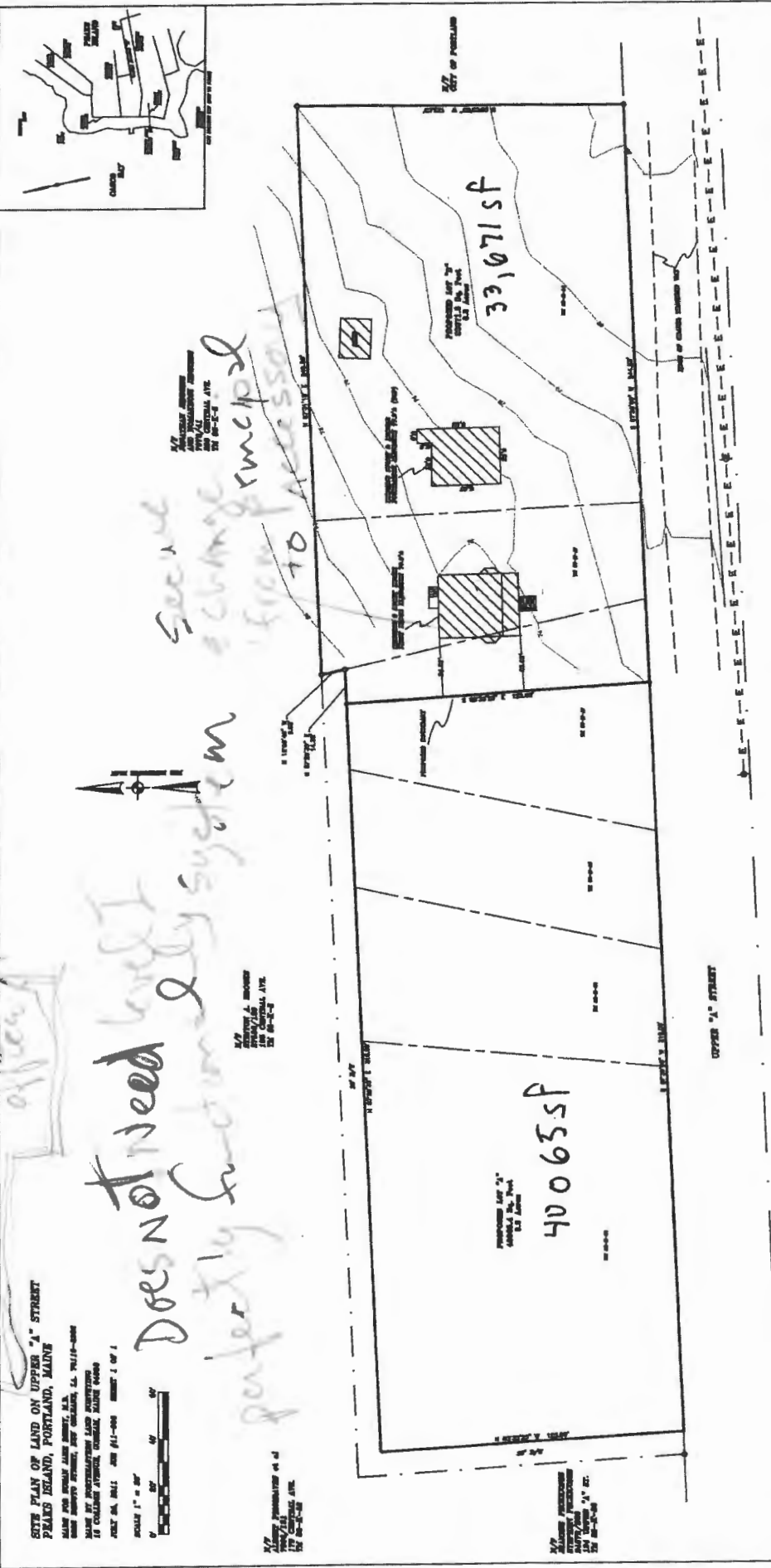
Paul Nelson

Paul Nelson
Carl

11 moving forward steadily!
8/5/11

Get one Attorney Gen. Phone call with owners -
officer

Does not need level
perfectly functional system
Secure
exchange
from processor
to processor



SITE PLAN OF LAND ON UPPER "A" STREET
PRAKES ISLAND, PORTLAND, MAINE

MADE FOR PRATES AND NORTON, S.A.
BY ARCHITECTURAL FIRM, INC., PORTLAND, ME. 04108-0000
DATE OF PREPARATION: LAND ACQUISITION
IS COMPLETE. APPROX. DURING 2008

SCALE 1" = 40'
BY

BY
ARCHITECTURAL FIRM, INC.
175 COLLEGE AVE.
PORTLAND, ME. 04108-0000

BY
ARCHITECTURAL FIRM, INC.
175 COLLEGE AVE.
PORTLAND, ME. 04108-0000

LEGEND

- 0 PROPOSED LOT 1
- 1 PROPOSED LOT 2
- 2 PROPOSED LOT 3
- 3 PROPOSED LOT 4
- 4 PROPOSED LOT 5
- 5 PROPOSED LOT 6
- 6 PROPOSED LOT 7
- 7 PROPOSED LOT 8
- 8 PROPOSED LOT 9
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- 81 PROPOSED LOT 82
- 82 PROPOSED LOT 83
- 83 PROPOSED LOT 84
- 84 PROPOSED LOT 85
- 85 PROPOSED LOT 86
- 86 PROPOSED LOT 87
- 87 PROPOSED LOT 88
- 88 PROPOSED LOT 89
- 89 PROPOSED LOT 90
- 90 PROPOSED LOT 91
- 91 PROPOSED LOT 92
- 92 PROPOSED LOT 93
- 93 PROPOSED LOT 94
- 94 PROPOSED LOT 95
- 95 PROPOSED LOT 96
- 96 PROPOSED LOT 97
- 97 PROPOSED LOT 98
- 98 PROPOSED LOT 99
- 99 PROPOSED LOT 100

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Marge Schmuckal - RE: clarification

From: Brenda Buchanan <Brenda@wacubu.com>
To: Barbara Barhydt <BAB@portlandmaine.gov>
Date: 8/5/2011 10:39 AM
Subject: RE: clarification
CC: Ann Machado <AMACHADO@portlandmaine.gov>, Alex Jaegerman <AQJ@portlandma...>

Thank you, Barbara. This is helpful (and welcome) news for my client.

Best,

Brenda

Brenda M. Buchanan, Esq.
Warren, Currier & Buchanan LLC
57 Exchange Street
Portland, Maine 04101
207-772-1262
brenda@wacubu.com
www.wacubu.com

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Friday, August 05, 2011 10:30 AM
To: Brenda Buchanan
Cc: Ann Machado; Alex Jaegerman; Marge Schmuckal
Subject: Re: clarification

Hello Brenda:

I had the meeting with Alex and Penny regarding this proposal and several others. We have determined that Section 14-385 is the controlling provision and no site plan is required if the rebuilding is within or less than the original footprint. This determination is based upon the assumption that there are no other changes to the site or access points.

Thank you and I hope the family is able to rebuild quickly.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor

Portland, ME 04101

(207) 874-8699

Fax: (207) 756-8256

bab@portlandmaine.gov>>> Brenda Buchanan <Brenda@wacubu.com> Friday, August 05, 2011 9:36 AM >>>
Hi Barbara,

Thanks for taking my call this morning. One factual clarification about the Berry property on Upper A Street. My client informs me the square footage of the structure as rebuilt will not actually be larger than the structure that burned last November. They are adding a small porch on the east side but they are subtracting a section of equal square footage at the rear. So the rebuilt house will not be on precisely the same footprint, but the footprint will be the same size.

Thanks for agreeing to take this up in your meeting with Penny and Alex today. I will look forward to hearing from you.

Best,

Brenda

Brenda M. Buchanan, Esq.
Warren, Currier & Buchanan LLC
57 Exchange Street
Portland, Maine 04101
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brenda@wacubu.com
www.wacubu.com

BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 (ONLY)

or email: buildinginspections@portlandmaine.gov

With the issuance of this permit, the owner, builder or their designee is required to provide adequate notice to the city of Portland Inspections Services for the following inspections. Appointments must be requested 48 to 72 hours in advance of the required inspection. The inspection date will need to be confirmed by this office.

- **Please read the conditions of approval that is attached to this permit!! Contact this office if you have any questions.**
- **Permits expire in 6 months. If the project is not started or ceases for 6 months.**
- **If the inspection requirements are not followed as stated below additional fees may be incurred due to the issuance of a "Stop Work Order" and subsequent release to continue.**
 1. Footing/Setback Inspection prior to pouring concrete
 2. Rebar inspection as needed
 3. Close In Framing/Plumbing/Electric prior to insulation or drywall
 4. Certificate of Occupancy/Final inspection

The project cannot move to the next phase prior to the required inspection and approval to continue, REGARDLESS OF THE NOTICE OF CIRCUMSTANCES.

IF THE PERMIT REQUIRES A CERTIFICATE OF OCCUPANCY, IT MUST BE PAID FOR AND ISSUED TO THE OWNER OR DESIGNEE BEFORE THE SPACE MAY BE OCCUPIED.